

## CONSTRUCTION MANAGEMENT PROCEDURES FOR PUBLIC SCHOOL PROJECTS

# IR A-3

Reference: Education Code Sections 17280-17311 and 81130-81147

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Supercedes IR 11-1(9/89)

This interpretation is intended for use by the plan review and field engineers of DSA to indicate an acceptable method for achieving compliance with applicable codes and regulations. Its purpose is to promote more uniform statewide criteria for use in plan review and supervision of construction of public schools, community colleges and essential services buildings. Other methods proposed by design professionals to solve a particular problem may be considered by DSA and reviewed for code and regulation compliance.

**Purpose:** The purpose of this IR is to ensure that the construction management procedures comply with the requirements of the Education Code and the Division of the State Architect (DSA) regulations.

**1. General.** The statutes and regulations contemplate the construction of a building by a general contractor who would either perform the construction work in its entirety, or employ one or more subcontractors under his/her responsible supervision to perform specified portions of the work. The general contractor attests to the compliance of the work of construction with the approved plans and specifications for the project as required by the statute.

It must be understood that the work of the construction manager should not interfere with the professional or statutory responsibilities of the design professional for the project, nor restrict the activities of the project inspector, special inspector, testing laboratory representatives and the Field Engineers of DSA in the performance of their duties. It must also be emphasized that the project inspector is an agent of the owner working under the direction of the architect or structural engineer in general responsible charge of the project for the purpose of achieving compliance with the approved plans and specifications, and should not be working under the construction manager. Further, the project inspector works under the supervision of DSA for the same purpose, but also to achieve compliance with the applicable building codes and regulations.

**2. Procedures.** A project using a construction manager in lieu of a general contractor to coordinate the work of the subcontractors requires special procedures.

**2.1** A construction manager is employed by the owner to assist the owner in the management of the construction of the project. The construction manager may perform services in the areas of coordination of the work of the various contractors, scheduling the work of the project, monitoring the progress of the work, providing the owner with evaluations and recommendations concerning the quality of the work, recommending the approval of progress payments for the contractors, or other services.

**2.2** Without the presence of a general contractor, each subcontractor will enter into an individual contract with the owner directly to establish conditions for the performance and payment for his/her work.

**2.3** The construction manager will usually be employed to oversee the construction of a complete building, or group of buildings or the completion of one phase of a long-range construction program. Each contractor may be employed to start and complete his/her portion of the project at any time during the progress of the construction. Therefore, the completion of that portion of the construction is not synonymous with the completion of the entire project as is contemplated by the regulations. Each independent contractor who has a contract with the owner is required to submit a final verified report at the completion of his/her portion of the work.

**2.4** The submittal of verified progress reports by the individual contractors is a departure from normal procedures wherein the services of a general contractor are involved. The construction manager, who is not a builder by training or licensing, by law, cannot be held responsible for the compliance of the work of construction with the duly approved plans and specifications for the project. The Attorney General's Opinion No. CV 74-160, August 1974, is cited as follows:

"A construction manager does not bind himself to construct a building. See Ops. Cal. Atty. Gen. 9322 (1934). The agreement to do these things is made by the owner with other parties and in case of the failure of any of those parties to perform as agreed, an action would lie against them and not against the construction manager. The agreement of the construction manager is to perform services only for the owner; that is, to supervise the work of the contractors who are doing the actual construction."

Therefore, in accordance with DSA regulations, each independent contractor having contracts with the owner, is required to submit verified reports.

**3. Contract Information.** Contract information on Form SSS-102, to be submitted to DSA, may be submitted either by the architect/engineer in general responsible charge or by the construction manager. If more than one contract is reported at one time, a single Form SSS-102 may be used with an attached sheet listing for contractors: the name, address, scope of work, contract price and estimated starting date for each contract.

Each submittal of contract information is to be made on, or attached to, a Form SSS-102. Each contract should be identified by a Roman numeral in consecutive order to assist in record keeping and future reference (i.e. Contract I, II, III, etc.). Such identification should be noted on change orders which affect that contract.